

ACULSR.005CP1



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	:	Luis De Taboada et al.
App. No.	:	10/682,379
Filed	:	October 9, 2003
For	:	DEVICE AND METHOD FOR PROVIDING PHOTOTHERAPY TO THE BRAIN
Examiner	:	Unknown

ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION
AND
REVOCATION AND POWER OF ATTORNEY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). A true copy of the original Assignment of the above-captioned application from the inventors to the Assignee is attached hereto. This Assignment represents the entire chain of title of this invention from the Inventors to the Assignee.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

The undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, 2040 Main Street, Fourteenth Floor, Irvine, California 92614, Telephone (949) 760-0404, **Customer**

App. No. : 10/682,379
Filed : October 9, 2003

No. 20,995, as its attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected herewith. This appointment is to be to the exclusion of the inventors and their attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

Please use **Customer No. 20,995** for all communications.

Dated: 2/28/04

PHOTOTHERA, INC.

By: 

Title: CEO

Address: 2260 Rutherford Road, Suite 101
Carlsbad, California 92008

H:\DOCS\BS\BSI-5225.DOC
021004

ASSIGNMENT

WHEREAS, We, Luis De Taboada, a United States citizen, residing at 2349 Longfellow Road, Carlsbad, California 92008, and Jackson Streeter, a United States citizen, residing at 3250 Marthiam Avenue, Reno, Nevada 89059, have invented certain new and useful improvements in a DEVICE AND METHOD FOR PROVIDING PHOTOTHERAPY TO THE BRAIN for which we have filed an application for Letters Patent in the United States, Application No. 10/682,379, filed on October 9, 2003;

AND WHEREAS, PhotoThera, Inc. (hereinafter "ASSIGNEE"), a Delaware corporation, with its principal place of business at 2260 Rutherford Road, Suite 101, Carlsbad, California 92008, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, in consideration good and valuable consideration, the receipt of which is hereby acknowledged, we, the said inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all provisional applications relating thereto, and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof, and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 27 day of FEBRUARY, 2004

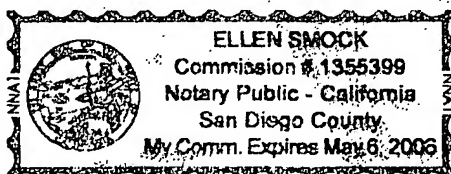

Luis De Taboada

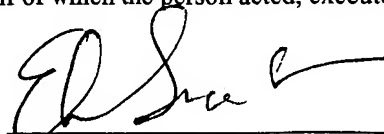
STATE OF California }
COUNTY OF San Diego } ss.

On Feb 27, 2004, before me, Ellen Smock, personally appeared Luis De Taboada personally known to me (~~or proved to me on the basis of satisfactory evidence~~) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]




Notary Signature



IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 27 day of FEB, 2004

Jackson Streeter

STATE OF California }
COUNTY OF San Diego } ss.

On Feb 27, 2004, before me, Ellen Smock, personally appeared Jackson Streeter personally known to me ~~(or proved to me on the basis of satisfactory evidence)~~ to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



H:\DOCS\BSNBL-5229.DOC
021004

[Signature]
Notary Signature

 **COPY**